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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

UNITED STATES OF AMERICA

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CRIMINAL NO: 09-00112

VERSUS

18 U.S.C. § 2

33 U.S.C. § 1311(a)

33 U.S.C. § 1319(c)(2)(A)

J. JEFFREY PRUETT,  
LOUISIANA LAND & WATER COMPANY,  
LWC MANAGEMENT COMPANY, INC.

CHIEF JUDGE JAMES  
MAGISTRATE HAYES

**GOVERNMENT'S MOTION IN LIMINE TO EXCLUDE WORK ORDERS**

The United States, through the undersigned Assistant United States Attorney and Special Assistant United States Attorney, comes before this court and state the following:

1.

On January 12, 2011, trial commenced with the presentation of evidence by government.

2.

On January 19, 2011, the government notified the court and the defense of its intent to rest its case subject to the government's exhibits being admitted into evidence.

3.

On January 19, 2011, the defense tendered to the government what are apparently Job Work Orders (Work Orders) of LWC Management, Company, Inc. (LWC). The work orders were included in documents that were seized by the United States Postal Inspectors Service in 2009 as part of an investigation against the defendants. The Postal Inspectors Service returned the documents it seized including the Work Orders to the defense in December 2010.

4.

Upon a cursory review of the documents the defense provided, it appears that the Work Orders purport to itemize maintenance, repairs, capital improvements, and other miscellaneous expenditures.

5.

The defense also turned over photographs that purport to depict improvements to the defendants' wastewater systems

6.

There were no supporting documents to substantiate the expenditures such as invoices, canceled checks, or receipts.

7.

The Work Orders were organized based on the counts in the original indictment.

8.

The government moves in limine to exclude the work orders and accompanying photographs on the following grounds:

(1) The Work Orders include itemized expenditures for water facilities. Based on the government's representations to the court that it would not include water facilities in its Rule 404(b) evidence, the government did not present any evidence regarding water facility violations during its case-in-chief. As such, itemized expenditures for water facilities has little or no probative value.

(2) The Work Orders included itemized expenditures for uncharged wastewater facilities that were not encompassed in the government's Rule 404(b) evidence. As such, evidence

regarding expenditures for uncharged wastewater facilities outside the scope of the Court's 404(b) ruling bears no relevance and has little probative value; and

(3) The Work Orders did include itemized expenditures for the indicted subdivisions. However, some of the repairs and improvements the defendants have identified in the Work Orders for the indicted facilities pertain to parts of the system that are not germane to the specific issue that are alleged in the indictment or the areas of concerns that were discussed by the inspectors who testified.

9.


Considering the defendants' documented failure to comply with this Court's order in the LEAN v. Pruett, et. al, civil suit, the government has serious concerns regarding absence of any of the aforementioned underlying documentation for these Work Orders.

WHEREFORE, the governments moves to his court to exclude the Works Orders, or, request that the Work Orders be accordingly redacted. Furthermore, pursuant to the Court's subpoena power under Federal Rules of Criminal Procedure 17 ©, the request that the defendant turn over to the government all supporting documentation for the Work Orders, which include, but not limited to, invoices, receipts, canceled checks or bank drafts."

Respectfully submitted:

STEPHANIE A. FINLEY  
United States Attorney

s/ Earl M. Campbell  
EARL M. CAMPBELL  
Assistant United States Attorney

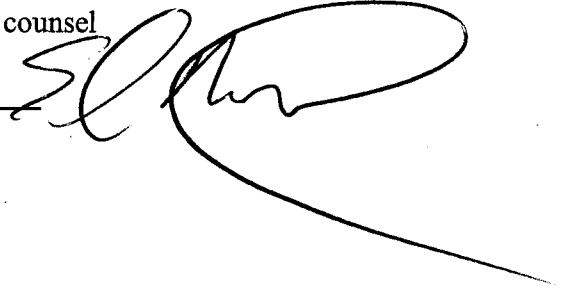


TOM WALSH  
Special Assistant United States Attorney

Certificate of Service

I certify that the foregoing has been provided to defense counsel

S/ Earl M. Campbell  
Earl M. Campbell

A large, stylized handwritten signature in black ink, appearing to read 'Earl M. Campbell', is written over the signature line and extends to the right.